

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO. 3:20-CV-00582-GCM**

DAVID M. HOLLOWAY,

Plaintiff,

v.

RICHARD CLARK, JR.,

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Final Execution and Order to Preclude Exempt Property Rights against Defendant Richard Clark, Jr. (ECF No. 15).

Judgment was entered on September 8, 2021 in favor of Plaintiff against Defendant for recovery in the amount of \$102,208.72. *See* ECF No. 11 at 3. On November 1, 2021, the Clerk issued a Notice of Rights to Have Exemptions Designated. ECF No. 13. A copy of the judgment and notice were repeatedly sent to Clark's last known address. He did not respond in any way. The Court accordingly finds that Richard Clark, Jr. has had a reasonable opportunity to assert the exemptions provided by law, and that his inaction waived his statutory rights to exempt property under N.C. Gen. Stat. § 1C-1601(c)(3).

IT IS THEREFORE ORDERED that Plaintiff's Motion for Final Execution and Order to Preclude Exempt Property Rights (ECF No. 15) is **GRANTED**. None of Judgment Debtor Richard Clark's property shall be set aside as exempt from the execution of said Judgment.

SO ORDERED.

Signed: January 27, 2022



Graham C. Mullen
United States District Judge

